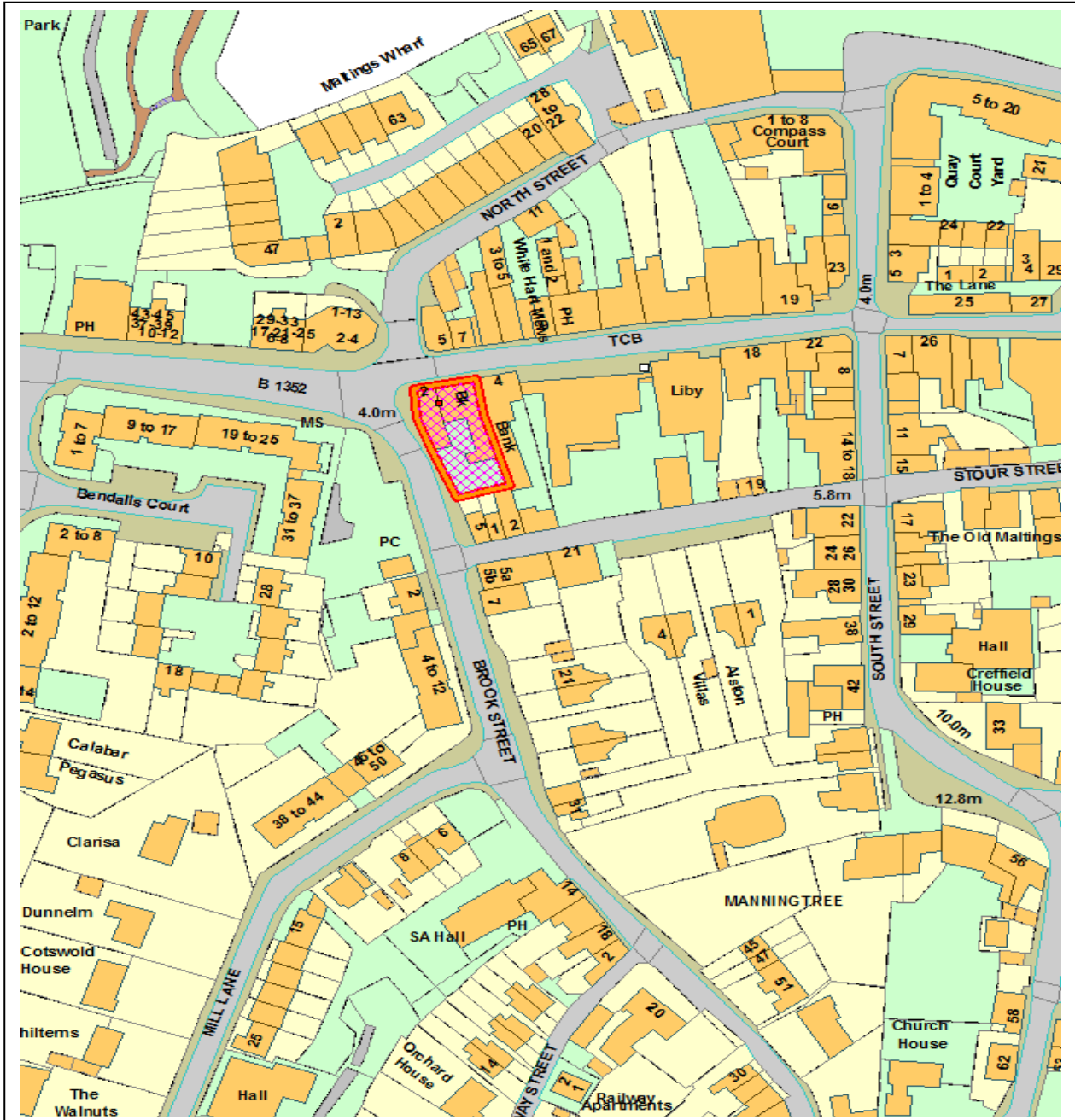


PLANNING COMMITTEE

13 JUNE 2017

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/00392/FUL - 2 HIGH STREET, MANNINGTREE, CO11 1AD



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Application:	17/00392/FUL	Town / Parish: Manningtree Town Council
Applicant:	Edwards - Roundwood Restorations	
Address:	2 High Street, Manningtree, CO11 1AD	
Development:	Alterations and extensions to existing vacant bank premises and change of use to multi-residential accommodation (7 flats) and erection of dwelling	

1. Executive Summary

- 1.1. The application is referred to Planning Committee following a call-in request from Cllr. Giancarlo Guglielmi, Deputy Leader and Cllr. Alan Coley which states “we strongly oppose the change of use from commercial to residential, on the basis that there has been a massive residential provision of Housing already in our three Parishes, and therefore the High Street will need even more so now than ever before, to retain commercial premises. I also understand that the Regeneration Team has submitted a strong objection”. This proposal has attracted a considerable level of public objection.
- 1.2. The land and building was a former bank in a prominent location on the corner of High Street and Brook Street, opposite the Council car-park/w.c's and within the Conservation Area.
- 1.3. The site lies with the defined settlement boundary and Town Centre within the Adopted Local Plan and within a mixed commercial/residential area but it is not a defined shopping frontage protected by Local Plan Policy ER33, it is however classed as an employment site under Policy ER3.
- 1.4. The site is an important Grade II listed building that has suffered from unsympathetic alterations and extensions over the years, and is in a poor state of repair, and as part of the proposed residential redevelopment, a major restoration – including the re-instatement of its historic façade (following removal of the banks front entrance feature at ground floor) and removal of unsightly rear alterations – would be undertaken. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be given to opportunities to preserve and enhance listed buildings like this, and given the statutory duty to preserve the Historic Environment, and the advice within the N.P.P.F to have regard to the preservation of Heritage Assets, the proposed works to the listed building meet this statutory duty.
- 1.5. Whilst the proposal would result in the loss of a commercial property contrary to Local Plan policy ER3, its retention as a commercial building (or even a commercial ground floor with residential on the upper floors) would not secure the improvement works to the listed building, or the enhancement of the conservation area, which in this instance are considered to be compelling, and is considered on-balance, to out-weigh the policy objection.
- 1.6. The consideration of this development proposal is a planning balance, between retaining a commercial use within the building that would not secure the restoration of the listed building, or allowing a residential scheme contrary to Policy ER3, but which would secure the proposed improvements to the listed building and the application is therefore recommended for approval.

Recommendation: Approve

Conditions:

1. 3 year commencement.
2. Development in Accordance with Approved Plans.
3. No dwelling to be occupied until completion of works to the listed building.
4. Materials to be agreed.
5. Hard/soft landscaping to be agreed.
6. Archaeology Condition as advised.
7. Removal of P.D rights.
8. Finished floor levels above 4.2m AOD and the basement shall not be used for habitable accommodation.
9. Highway conditions as advised by ECC.

2. Planning Policy

Planning (Listed Buildings and Conservation Areas) Act 1990 – contains a statutory duty in relation to listed buildings and conservation areas

NPPF National Planning Policy Framework
National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy
QL2 Promoting Transport Choice
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
ER3 Protection of Employment Land
ER33 Non-retail Uses Within Primary Shopping Frontages
HG1 Housing Provision
HG3 Residential Development Within Defined Settlements
HG6 Dwelling Size and Type
HG7 Residential Densities
HG9 Private Amenity Space
HG10 Conversion to Flats and Bedsits
HG14 Side Isolation
COM3 Protection of Existing Local Services and Facilities
EN17 Conservation Areas
EN20 Demolition within Conservation Areas
EN22 Extensions or Alterations to a Listed Building
EN23 Development Within the Proximity of a Listed Building
EN29 Archaeology
EN27 Enabling Development
EN30 Historic Towns
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs
 SP5 Place Shaping Principles
 SP6 Spatial Strategy for North Essex
 SPL1 Managing Growth
 SPL2 Settlement Development Boundaries
 SPL3 Sustainable Design
 HP2 Community Facilities
 LP1 Housing Supply
 LP2 Housing Choice
 LP3 Housing Density and Standards
 LP4 Housing Layout
 PPL7 Archaeology
 PPL8 Conservation Areas
 PPL9 Listed Buildings
 PPL10 Enabling Development
 CP1 Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

91/01216/FUL	Change of use from residential to office use, renewal of consent TEN/1240/85.	Approved	27.11.1991
93/00427/ADV	Projecting sign.	Refused	13.07.1993
93/00963/ADV	Hanging sign.	Approved	05.10.1993
93/00964/LBC	Hanging Sign.	Approved	05.10.1993
94/00874/FUL	Installation of service till to Brook Street elevation.	Approved	23.08.1994
94/00875/LBC	Installation of service till adjacent to existing window on Brook Street elevation.	Approved	23.08.1994

94/01520/FUL	Installation of new bank front.	Approved	14.02.1995
94/01521/ADV	Externally illuminated fascia and projecting signs.	Approved	14.02.1995
95/00004/LBC	Elevational alterations and new signage.	Approved	14.02.1995
96/00743/ADV	Externally illuminated projecting signs (2 No.).	Approved	16.07.1996
96/00919/LBC	Installation of two externally illuminated projecting hanging signs.	Approved	23.08.1996
97/01199/LBC	Air conditioning condensing unit on flat roof.	Approved	16.01.1998
02/01569/ADV	Internally illuminated fascia strip and two projecting signs. ATM illuminated signage and other signage.	Refused	15.10.2002
02/01608/LBC	External signage alterations.	Refused	15.10.2002
02/02318/ADV	Sign.	Refused	27.01.2003
02/02322/LBC	Display of non-illuminated signage.	Refused	05.02.2003
03/00622/LBC	Alterations to external advertisement signage.	Approved	14.05.2003
03/00623/ADV	Advertisement signage	Approved	14.05.2003
04/01244/FUL	5 No. external lights. Remove existing entrance step and handrail and install new entrance door and frame	Approved	19.08.2004
04/01245/CON	3 No. external lights. Remove existing entrance step and hand rail and install new entrance door and frame.		08.07.2004
04/01246/LBC	5 No. external lights. Remove existing entrance step and hand rail and install new entrance door and frame	Approved	19.08.2004
06/01479/LBC	Construction of 2nd sets of steps to rear fire exit and installation of handrails to unprotected roof to rear elevation.		16.03.2007
11/00575/FUL	Installation of galvanised counter balance handrails to provide roof	Approved	25.08.2011

edge protection and installation of fixed retractable galvanised cat ladder to provide safe access to maintain M & E Equipment to rear flat roof.

11/00731/LBC	Installation of free standing galvanised counter balance handrails to provide roof edge protection and installation of fixed retractable galvanised cat ladder to provide safe access to maintain M and E equipment to rear flat roof.		05.07.2011
15/01264/FUL	Upgrade of existing ATM and formation of a secure ATM room including a new access door, and construction of internal secure servicing room/lobby.	Approved	12.11.2015
15/01265/ADV	Upgrade of existing ATM (non illuminated).	Approved	12.11.2015
15/01266/LBC	Upgrade of existing ATM and formation of a secure ATM.	Approved	12.11.2015

4. Consultations

Building Control and Access Officer	This proposal will require Building Regulations consent. No other comments at this time.		
ECC Highways Dept	<p>This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:</p> <ul style="list-style-type: none"> • 'Prior to occupation of the development the vehicular parking facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose. Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. • 'No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary. Reason - To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011. • 'At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity. Reason - To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety and 		

in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- 'Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- 'Prior to the commencement of the development the details of the number, location and design of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient and covered and provided prior to occupation and retained at all times.
Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- 'No works shall commence until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.
Reason - In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

Note: Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check

safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Essex County
Council
Archaeology

The above planning application has been identified as having the potential to harm a designated heritage asset.

The Essex Historic Environment (HER) Record shows that the building proposed for conversion is a Grade II listed building which dates to the 18th century and lies within the Conservation Area and historic settlement of Manningtree. The building originated as a house along the High Street, reflecting its growth and prosperity in the 18th century. Manningtree appears to have been deliberately planted as a market town and port in the mid thirteenth century. A market was granted to the manor of Sciddinghou in 1238 which may have been held on the Manningtree site, although the earliest reference to the town is in 1248. The town's layout suggests some form of planning based on the market in the High Street and the Quay, both running parallel to the river. The building proposed for conversion is a prominent building that has local significance as well as regional architectural merit. Although much of the building has been formerly altered the Heritage Statement refers to survival of some original features and layout which may help understand the origin and evolution of the building before it is converted. It is therefore important that a historic building record is made before any conversion takes place.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

Recommendation -

'No demolition, development or conversion of any kind shall take place until the applicant has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority.'

Regeneration

The Regeneration Team do not support this application as they believe the loss of this commercial/retail unit would have a negative impact on the High Street and they therefore like to see it retained for commercial use.

Although the property is situated just outside the towns' Primary Shopping Frontage, it is located in an excellent position and a very important part of the High Street.

Currently, although there are a number of much smaller properties in the town that are vacant, a commercial property of this size could, they believe have been of interest to larger retail or other businesses, especially had it become available on the market as a property available to rent.

However, they have no major objection to the upper floors having a change of use.

5. Representations

- 1.1. Lawford Parish Council objects to this proposal on the grounds that housing on the site of commercial premises will contribute further to the demise of an already floundering High Street. There is a distinct lack of parking in the area already and the risk of traffic congestion is increased with this proposal. We would be in favour of a slightly different proposal - the ground floor is maintained for commercial use and flats can be developed on the 1st floor if there is felt to be a need for further housing in the town. It would lead to less traffic/ parking in the vicinity by new residents but by allowing the ground floor to remain as

a commercial property it may well attract locals and visitors back to the area and increase the local economy.

- 1.2. Manningtree Town Council objects to this planning application. This unified proposal of one house, seven flats and two car parking spaces represents an overdevelopment of the site. The Town Council is concerned about losing the commercial unit on the ground floor in a high street that needs to be preserved and is also worried about the insufficient car parking allocation and the impact this will have on public car parking spaces.
- 1.3. Mistley Parish Council objects to this planning application because: (1) do not want to lose ground floor commercial premises in the High Street, especially with the proximity to the market place; and (2) additional housing will put pressure on parking.
- 1.4. 47 individual letters of objection have been received which make some of the following points:-
 - Manningtree High Street should not be sacrificed for residential property.
 - Plenty of places for new housing – not in our shopping centre.
 - Prime retail site, once its use is changed it can never be retail again.
 - Manningtree does not need any more houses – it wants shops not flats.
 - Should be rejected as there are plenty of dwellings planned – but doctors and services cannot cope – we will be left with housing but nothing to serve them.
 - With the pub changing to flats, the High St is changing to residential.
 - It is essential that commercial premises be retained.
 - We need local employment so people don't have to drive or use crowded trains to get to work – it is enough of a commuter town as it is.
 - High St should be retained as the business heart of the community – losing this site will cram the businesses in to a couple of hundred yards.
 - Will set precedent for loss of other business premises.
 - We cannot lose a valuable community asset.
 - The service nature of Manningtree is being lost and will result in the High Street becoming charity-shops, and a dormitory town for London and Colchester.
 - Policy ER33 seeks to protect main shopping frontages – the ground floor at least should be a commercial use.
 - This is a valuable commercial space due to its size which should not be lost – existing shops need larger premises if they are to expand.
 - There seems to be no attempt to find an alternate use.
 - Employment sites are to be retained for that use by the Plan Strategy.
 - We request (on behalf of Barclays Bank) that disturbance from construction is minimised – steps should be taken to minimise dust and no materials should be burnt on site.
 - There is an absence of dedicated parking, which will increase on-street parking.
 - Parking is problematic as it is, and less parking will restrict shoppers.
 - Council have lost control of the parking situation and residents cannot use their private car-park at times.
 - Car park opposite is the market twice a week and can't be used for parking.
 - Not enough parking even if the use was right for this building.
 - 8 dwellings should have 12 spaces as parking is forbidden in surrounding roads.
 - Any scaffolding should not interfere with use of the ATM, and it should be alarmed so as not to create a security issue for adjacent bank.
 - This is too much development for the town.
 - I am in favour of affordable housing (rather than the expensive 4 and 5 bedroomed ones being built) but this is the wrong place for it.
 - This is a blind corner turning in to the High Street, and more cars would add to the danger.
 - New-build adds nothing to the centre of Manningtree.

- Will change the character of the area.
- The poor grade buildings should be removed to make way for amenity areas for fewer flats.
- Should include new shop fronts to the High St corner.

6. Assessment

The main planning considerations are:

- The Principle of the Use;
- Loss of Commercial Use;
- Loss of Employment;
- The Impact on Heritage Assets;
- Highway Safety/Parking;
- The Impact on Neighbouring Amenities, and;
- Flood-risk.

Site Location

- 1.5. The application site – which is a Grade II listed building - fronts on to the High Street in Manningtree with a secondary elevation to Brook Street.
- 1.6. The land is situated within the Town centre and the conservation area, in an area containing numerous listed buildings, and is directly opposite the Council car-park
- 1.7. The application site - formally the Nat West Bank – is an imposing 3-storey building on to High Street, and 2-storey on to Brook Street - although it is suffering from a poor state of repair, and unsympathetic alterations in the past, and numerous extensions and alterations at the rear, and the deteriorating condition is a concern and the building currently has a negative impact on the character of the area. In particular, the bank entrance/shop front – installed in the 1990's – seriously detracts from the architectural quality of the building as it fails to respect the former balanced frontage and window fenestration.
- 1.8. Whilst the Bank has closed, the ATM machine within a single-storey wing on Brook Street, is retained under contract.
- 1.9. The site has a rear service yard containing several unsightly extensions with flat roof, guard-rails and a secure 'vault' building with no windows, and there is a poor quality low wall and metal gates to the rear yard.
- 1.10. Internally, the building has been significantly altered, especially at ground floor, and there are few internal features of any merit remaining – some sash window to the main elevation, a fire-place within a first floor room, and the upper floor, room-plan.

Proposal

- 1.11. The applicant seeks permission to change the building in to 7 flats across 3 floors, with 2 unsightly structures at the rear being rebuilt on the same footprint, and raising the single storey wing (retaining the ATM machine) to 2 storey height, and with a new 2-storey dwelling on the back-edge of the pavement.
- 1.12. The proposal is for a mix of one and 2 bedroomed flats, and a 3 bedroomed house, all grouped around the central rear courtyard that is to provide the communal amenity area, bin and cycle storage.

- 1.13. The dwelling would have its own garden and 2 parking spaces at the southern end of the site.
- 1.14. The re-development scheme proposes a major re-furbishment of the Grade II listed building which includes:
- the removal of the unsightly rear extensions, flat-roof structures and untidy rear yard – replacing them with a new dwelling and rear flat.
 - Repairs to failing elements – structural cracking above the side door – and the replacement of unsympathetic elements at the rear including a concrete lintel.
 - Up-grading of the rear wall of the building, which has been subject to various blocked-up openings in the past and poor pointing.
 - General repairs through-out.
 - Removal of 1970's style internal alterations and stud walls/compartments.
 - Refurbishment of the interior and repair of the sash windows/fitting of secondary glazing, and importantly.
 - The removal of the unsightly former bank entrance/shop-front on to High Street and the reinstatement of the original style frontage, with central entrance door and side sash windows, restoring the historic façade.
- 1.15. The re-instatement of a historic style frontage with a central main entrance and balanced window fenestration, including new sash windows to match the original ones remaining on the front elevation is seen as a significant benefit in relation to the quality of the architecture of the listed building.

The Principle of the Use

- 1.16. The site falls within the defined town centre of Manningtree, and the N.P.P.F favours the re-use of brownfield sites and existing buildings for housing purposes, and at paragraph 23 indicates that local planning authorities should
- 1.17. “recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites”.
- 1.18. The N.P.P.F and Local Plan policies direct new development (including housing) to sustainable locations within the larger towns and villages, and the current site falls within the settlement development limits, where current Local Plan policies encourage new housing development.
- 1.19. The site is a highly sustainable location for new housing development, with ready access to services, jobs and public transport and the current scheme retains the ATM machine – a community facility, the retention of which is in line with Local Plan Policy COM3.
- 1.20. The development represents a suitable mix of dwelling types as advocated by National and Local Policies and Policy HG10 of the Local Plan encourages the conversion of buildings within development limits to flats and bedsits.
- 1.21. As the site falls within the recognised town centre, the proposal raises no other policy concerns other than the change from a commercial property and the loss of an employment site, which are discussed below, and the amenity and parking issues.

Loss of Commercial Use

- 1.22. Paragraph 23 of the N.P.P.F indicates that Local Planning Authorities should:-

“define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations”.

- 1.23. The Adopted Tendring District Local Plan defines the Town Centre boundary (and the site falls within it) where policy ER31 applies, and which sets a hierarchy for town centre uses.
- 1.24. The Local Plan also defines the Primary Shopping Frontage, where Policy ER33 applies, although it should be noted that the former use of the site was not in Use Class A1 (retail use) being a bank within the A2 (Financial Services) use class, and the building and site does not fall within the Primary Shopping frontage – as this is confined to the more obvious retail areas on the north side of the High Street opposite the site and on both sides of the High Street further to the east.
- 1.25. Many of the objections raised refer to ‘High Street Protection Policies’ although as stated above, the site does not fall within the defined Primary Shopping Frontage.
- 1.26. Whilst Policy ER33, seeks to prevent non-retail uses at ground floor level - and that other changes from retail to the other A-use classes, would only be permitted if they do not result in more than 10% of the frontage being other uses – the Policy does not apply to the current site, which was a non-retail use in any event.
- 1.27. The change of use of this building to residential use does not therefore conflict with the retail frontage protection policy ER33 and could not be justifiably refused on such grounds.

Loss of Employment

- 1.28. Policy ER3 of the Adopted Tendring District Local Plan, seeks to protect ‘employment’ sites from other uses, and permission would only be granted if it can be shown that it is no longer viable or suitable for employment use.
- 1.29. The policy states that the applicant should either:

Submit evidence of an un-successful marketing exercise, or
Show that the land (site or premises) is inherently unsuitable and/or not viable for employment use, and
the policy goes on to state that if the re-use of an employment site is permitted, the applicant would be expected to provide alternative employment site elsewhere in the District or contribute the Council’s employment, training or re-generation programmes.

In relation to marketing, the applicant indicates that:

- the marketing of the bank before we purchased it, was marketed for ‘about 4 weeks’ prior to the auction and that there was limited interest.
 - the marketing agent states - The property was advertised nationally, including emailing our e:list of about 40,000 and hard copies to c. 5,000 people, a board was also placed on the property. This resulted in 36 parties registering for the legal pack. Strong interest.
 - There were 2 block viewings in which were well attended with the majority being local developers and investors.
 - The seller has no recollection of a part being interested with a restaurant in mind.
- 1.30. It is apparent from the above that whilst there was some marketing carried out, this was not the “sustained but ultimately unsuccessful marketing exercise” expected by Policy ER3, however in the current economic climate, with many retail shops being empty, it was not

anticipated that a new employment generating use would be successful, particularly with the site constituting the liability of a substantial listed building in poor condition.

- 1.31. The N.P.P.F states at paragraph 22, that "Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 1.32. Clearly, it appears that the marketing of the building does not meet the exacting standards of Policy ER3, and is therefore in conflict with the Development Plan, although the above paragraph of the N.P.P.F suggests that such policies should not be applied dogmatically.
- 1.33. It is noted from the comments of the Parish Council, that there is a call locally for the building to remain in some form of commercial use – certainly on the ground floor - however the down-side of this is that any potential user would be likely to want to rent the building in its current form, and spend as little as possible on repairs and alterations, and there are few investors currently taking on listed buildings, particularly those requiring significant funds spending on them, and the future of the listed building and its long-term maintenance is in this instance, of paramount and over-riding concern.
- 1.34. It is considered that by forcing the retention of the building as a commercial use, this could potentially impact on the future of the listed building, and the protection of such buildings and their long-term future, is a statutory duty placed on Local Planning Authorities by the Planning (Listed Buildings and Conservation Areas) Act 1990, and as such outweighs any development plan policy considerations.
- 1.35. By allowing the re-development of this building contrary to Policy ER3, it would constitute a form of enabling development, and the applicant's proposals for residential re-development would result in significant improvements to both the structural stability and repair (that would preserve the building), but would also result in the significant enhancement of the building by securing the removal of the current bank-front (which seriously detracts from the character of the building) and the re-instatement of an architecturally more appropriate façade in keeping with the original form of the building.
- 1.36. It is considered that this current proposal represents a one-off means of securing substantial preservation and enhancement benefits for the building, that would otherwise not occur, and the benefits are so substantial that they completely out-weigh any minor breach of the above policy which seeks to retain the building in employment use.
- 1.37. The benefits for the future of the listed building arising from the proposal are considered to be so significant, they over-ride any breach of development plan policy, and due to the special circumstances, would not set a precedent for the change of use of other buildings.

The Impact on Heritage Assets

- 1.38. The site lies within the boundary of policy EN30 - Historic Towns - which requires an appropriate archaeological investigation before development takes place, however in this instance, the development relates to a site which has already had appreciable disturbance within the open areas of the site and as a result, any sensitive archaeology that might have existed will already have been disturbed.
- 1.39. As a result, the archaeology consultee is only requiring a 'historic building recording' condition.

- 1.40. The building falls within the conservation area and adjacent to several other listed buildings, and the current deteriorating condition of the building, as well as the unsightly modern additions at the rear combine to have a detrimental and harmful impact on the character of the conservation area as well as the setting of listed buildings.
- 1.41. The proposed works or repair and restoration of the listed building will be significant, and as stated above, are only likely to be delivered as a result of the applicant's proposed residential re-development.
- 1.42. The benefits for the listed building (and the character of the conservation area) are substantial, and the works will result in the long-term restoration of historic features as well as overall improvements and repairs, and as a result of the development, the impact on the character and setting of listed buildings as well as the character of the conservation area will be significant.
- 1.43. In addition to the re-instatement of an imposing façade, the listed building will be enhanced by the repairs and retention of the few remaining features of any architectural significance.
- 1.44. Apart from the changes to the front elevation, the proposals will remove the unsightly structures, flat-roof buildings and railings from the rear, and the key change to the appearance will be along Brook Street.
- 1.45. The existing single-storey wing containing the ATM machine would be built over to provide a small flat, and the new dwelling attached to it (with an arched entrance leading to the rear courtyard), would mask the unsightly rear of this building and the adjacent one, which has a very high party-wall, comprising a multitude of brick types.
- 1.46. The new buildings would create a form of enclosure and would enhance the street scene and more closely reflect the surrounding built-form and the new dwelling is of simple design that reflects the surrounding development and would not impact on the character of the Conservation Area.
- 1.47. The character and setting of the conservation area/listed buildings would therefore be unharmed and therefore preserved as required by the Act.

Highway Safety/Parking

- 1.48. The building currently consists of a substantial former bank, with upper floor accommodation, with very restricted parking, and which is to be replaced with 7 flats and a dwelling.
- 1.49. The new dwelling would have the required 2 parking spaces, however the flats would only have pedestrian access and provision to securely store a bicycle, however given that the development is located within the town centre and with good access to facilities and public transport, it is not considered – given the existing lawful use of the building for A2 Use and employment, that the lack of domestic parking would create any additional traffic or parking issues.
- 1.50. Whilst a lack of parking is far from ideal, the modest size of the flats, and the town centre location would allow someone to live near the centre as a non-car household, and no-car housing schemes are becoming more common.
- 1.51. It is considered that no appreciable highway safety issues would arise as a result of the development and the Local Highway Authority has raised no objections, subject to conditions, and the development would not result in a 'severe' danger to highway safety as

noted in the N.P.P.F that would need to be demonstrated if the development was to be refused on highway safety grounds. The sustainable travel pack condition is only imposed on major development sites.

The Impact on Neighbouring Amenities.

- 1.52. This is a very on balance judgement, as the town centre location would ensure that the residents of the flats have good access to local facilities, and a modest communal courtyard is provided at the rear.
- 1.53. The dwelling would have a modest garden of around 32sqm, and the flats a communal sitting out area of 36 sqm which falls short of the requirements of Local Plan Policy HG9 which would require 100sqm (for the dwelling) and 175sqm for the flats.
- 1.54. Given the difficulties encountered when converting listed buildings, and the town centre location, it is considered that this shortfall can be accepted.
- 1.55. The design of the flats and the dwelling is such that there would be no direct overlooking between the properties or their neighbours.
- 1.56. The nearest other dwellings are further to the south on Brook Street with its junction with Stour Street, although given the distances between the dwellings and the orientation of windows, it is not considered that any appreciable over-looking or loss of privacy would result, nor would the development appear oppressive.
- 1.57. The scale of the development and the manner that it would be operated is such that the occupants would have a reasonable level of residential amenity.

Flood Risk

- 1.58. The N.W corner of the building is located within Flood Zone 3, with part of the frontage of the site located within Flood Zone 2.
- 1.59. The National Planning Policy Framework (NPPF) states that applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.
- 1.60. A bank falls within the less vulnerable classification and residential dwellings falls within the more vulnerable category as set out in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance.
- 1.61. The applicant has submitted a topographic survey to demonstrate that the finished floor levels within the main building (around 450mm above ground level) and therefore well above the 4.2m flood level, and the new build would have a floor level above 4.28, and on this basis whilst there is a slight increase in vulnerability, the development is acceptable in flood risk terms.

The Planning Balance

- 1.62. The proposal is a finely balanced one in that it seeks to provide a high density development of modest dwellings within a town centre location, but with a reduced standard of amenity area, and no on-site parking for the flats, however it is a sustainable location and the N.P.P.F encourages housing in town centres and the re-use of brownfield sites and existing buildings.

- 1.63. The land is proposed to be developed, in a manner that would add to the mix of dwelling types as advocated by the N.P.P.F and the proposal would not harm the amenity of the neighbours or create a severe highway danger.
- 1.64. The development does not meet the terms of Local Plan Policy Er3 in relation to marketing, however retaining the building in commercial use, would not deliver the considerable benefits in terms of the preservation and enhancement of a listed building as is now proposed.
- 1.65. On balance, it is considered that the overall benefits to the repair and restoration of the listed building is compelling. The development would not cause any demonstrable harm, and is considered to be a sustainable one, where the benefits of the scheme are not significantly and demonstrably out-weighted by any harmful impacts.
- 1.66. The development is therefore an appropriate one and recommended for approval.

Background Papers

None